

**IDAHO BOARD OF BARBER EXAMINERS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 3/12/2018**

**THIS IS A DRAFT DOCUMENT THAT HAS NOT BEEN APPROVED BY THE BOARD**

**BOARD MEMBERS PRESENT:** Thomas E Grimsman - Chair  
K. Ryan Nave  
Mary Leonard

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Admin. Support Manager  
Eric Nelson, Board Prosecutor  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Allegra Earl, Technical Records Specialist I

The meeting was called to order at 8:34 AM MDT by Thomas E Grimsman.

**APPROVAL OF MINUTES**

Mr. Nave made a motion to approve the minutes of 11/13/17. It was seconded by Ms. Leonard. Motion carried.

Ms. Leonard made a motion to approve the minutes of 12/11/17. It was seconded by Mr. Nave. Motion carried.

Ms. Cory introduced Ms. Leonard to the Board.

Ms. Cory introduced Ms. Eavenson to the Board.

**LEGISLATIVE REPORT**

Ms. Cory discussed with the Board the issues surrounding last year's legislation.

Ms. Cory informed the Board that she would be doing a presentation on Tuesday, March 13, about the Bureau before the Legislative Special Committee on Regulatory Reform. The Committee will likely become an Interim Committee.

Ms. Cory updated the Board regarding its proposed legislation. Senate Bill 1324 passed the Senate with a vote of 35-0 and is now headed to the House.

The Board discussed the meetings held around the state with Legislators.

Mr. Ellsworth informed the Board that Sens. Burgoyne and Den Hartog mentioned to some members of the Boards served by the Bureau that they were looking at potential legislation. The concept would be to allow a person or entity that is alleged to have violated the Board's laws and rules to recover attorney's fees if the person or entity was found to have not violated the Board's laws and rules. That idea became a bill, Senate Bill 1316. Mr. Ellsworth discussed suggestions for updates to SB 1316, including technical issues, fees and costs, licensing authorities and definitions relating to licensees. The Board designated Ms. Leonard to be the Bureau's contact to assist with this and other legislative issues.

## **INTERIM COMMITTEE UPDATE**

Mr. Ellsworth stated that the Idaho Legislature has an Interim Committee that has been studying the use of hearing officers and is also looking at the Idaho Administrative Procedure Act. Draft legislation was presented at the Interim Committee's last meeting that would make substantial changes to the Idaho Administrative Procedure Act and the way contested cases are handled. Mr. Ellsworth stated that a letter was being prepared to send to Senator Patti Ann Lodge, chair of the Senate Judiciary and Rules Committee, from the Boards served by the Bureau. As the Bureau receives additional information, it will be provided to the Board.

Mr. Nave made a motion to have the Board Chair sign the letter and have Ms. Leonard be the contact on legislative issues. It was seconded by Ms. Leonard. Motion carried.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$23,563.88 as of 2/28/2018.

## **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER**

Mr. Nelson presented a Findings of Fact, Conclusions of Law, and Final Order in case BAR-2018-1. Mr. Nave made a motion to approve the Finding of Facts, Conclusions of Law, and Final Order and authorize the Board Chair to sign on behalf of the Board. It was seconded by Ms. Leonard. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **VOLUNTARY SURRENDER AND COLLECTIONS PROCESSES**

Ms. Peel discussed with the Board the collections process and the process of voluntary surrender.

## **DISCIPLINE**

Ms. Peel presented Settlement Orders in cases BAR-2018-8/9, BAR-2018-12, and BAR-2018-23. Mr. Nave made a motion to approve the Settlement Orders and allow the Board Chair to sign. It was seconded by Ms. Leonard. Motion carried

## **MEMORANDUM**

Ms. Peel presented a memorandum regarding cases: BAR-2018-10 and BAR-2018-11; and BAR-2018-14 and BAR-2018-15. After discussion, the Board gave recommendations for appropriate discipline.

Ms. Cory said that the Board of Cosmetology had formed a subcommittee the look at its fines and fees. She said that the Board of Cosmetology has a range and that only the maximum fines and fees are listed in that Board's rules.

Ms. Cory stated that if Senate Bill 1324 passed it would go into effect on July 1. The Board would need to designate one or two Board members to work on drafting rules with the Board of Cosmetology.

Mr. Nave made a motion to have Ms. Leonard and Mr. Moriarty to work on a subcommittee with the Board of Cosmetology designees on drafting rules. It was seconded by Ms. Leonard. Motion carried.

Ms. Cory informed the Board of the Bureau's efforts to notify all licensees about scam artists who have been targeting licensees.

## **OLD BUSINESS**

The Board reviewed the To Do List and no action was taken.

## **EXECUTIVE ORDER**

Ms. Eavenson outlined the Board's role in responding to the Lt. Governor's Executive Order. There is a template that will be used to complete each Board's response, and the template contains six sections:

A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

- B. Applications and Renewals Denied – 2017
- C. Disciplinary Actions – Past 5 Years
- D. Law, Rule, or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry
- E. Assessment of Public Interest
- F. Recommendations for Improvement, Modification, or Elimination of Requirements

The Bureau will be responsible for gathering and entering all of the data in sections A, B and C of the template. The Bureau and each Board will jointly fill in section D regarding the Law, Rule or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry. The Board Specialist and Administrative Support Manager will assist the designated Board member with writing sections E and F.

Ideas for the EO that come up between meetings cannot be shared among Board members outside of Board meetings, but may be forwarded to the Board Specialist or Administrative Support Manager for inclusion in the next meeting.

The process will be completed in two meetings: 1) discussion, review and approve a rough draft, and 2) review and approve a final draft. The final draft must be completed and approved by June 15, to meet the July 1, deadline for responding.

Because the Board met so late in the process, it reviewed a rough draft and directed Ms. Eavenson and the Board specialist to work with Mr. Grimsman to prepare the final draft for review and final approval at the June 11 meeting.

## **NEW BUSINESS**

**NEXT MEETING** was scheduled for Monday June 11, 2018 at 8:30 am MDT.

## **NOTIFICATION TO LICENSEES**

The Board discussed working on the notification to licensees regarding the new law should Senate Bill 1324 pass the legislature.

Ms. Leonard made a motion to have the Bureau staff draft a notice to licensees to be approved by the Chair. It was seconded by Mr. Nave. Motion carried.

## **CORRESPONDENCE**

The Board reviewed correspondence from the Boise Barber College, drafted a response, and directed the Bureau to send a letter.

## **DL ROOPE ADMINISTRATIONS-UPDATED CONTENT BARBER AND BARBER STYLIST CANDIDATE INFORMATION BULLETIN**

Ms. Cory informed that Board that the Board of Cosmetology had made a motion stating that if the proposed legislation passes, students would need to have received their full hours of training before taking their exams. The Barber Board agrees that this would need to be the case for the Barbers also.

The Board reviewed the information from DL Roope Administrations, Inc. regarding additional critical content added to the practical examination.

Mr. Nave made a motion to approve critical core areas including adding blood exposure procedures and that the content be included beginning on June 1. It was seconded by Ms. Leonard. Motion carried

## **DL ROOPE CONTRACT**

Mr. Nave made a motion to accept the DL Roope Administrations, Inc. testing contract for FY2019 with changes, and to authorize Ms. Cory to sign on behalf of the Board. It was seconded by Ms. Leonard. Motion carried.

## **NATIONAL ASSOCIATION OF BARBER BOARDS NATIONAL ANNUAL CONFERENCE**

A motion was made by Ms. Leonard to have the Board Chair or designee to attend the National Association of Barber Boards of America (NABBA) 92nd Annual Conference in Kansa City, Missouri, and to cover all expenses including, hotel, meals, and shuttle. It was seconded by Mr. Nave. Motion carried.

## **NABBA MEMEBERSHIP DUES**

Ms. Leonard made a motion to pay the membership dues to NABBA. It was seconded by Mr. Nave. Motion carried.

## **REVIEW DRAFT APPLICATIONS, FORMS AND PROCESSES**

Ms. Hall reviewed the changes made to the barber application and the addition of the Official Transcripts Request Form.

Mr. Nave made a motion to accept the changes to the applications to approve the use of the Official Transcripts Request Form, and to post them on the website. It was seconded by Ms. Leonard. Motion carried.

Ms. Earl reviewed the process for applications that have felony where the Board had already reviewed the felony and had issued a different license type than the license currently being sought.

Mr. Nave made a motion to allow another Board member to review applications if the Board Chair is unavailable. It was seconded by Ms. Leonard.

Mr. Nave made a motion to allow the applicant to fill out a public records request to move information from a previous application to a new application rather than requiring new documents. It was seconded by Ms. Leonard. Motion carried.

### **PUBLIC COMMENT**

There was no public comment.

### **EXECUTIVE SESSION**

Mr. Nave made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Ms. Leonard. The vote was: Mr. Grimsman, aye; Mr. Nave, aye; and Ms. Leonard, aye. Motion carried.

Mr. Nave made a motion to come out of executive session. It was seconded by Ms. Leonard. The vote was: Mr. Grimsman, aye; Mr. Nave, aye; and Ms. Leonard, aye. Motion carried.

### **APPLICATIONS**

Mr. Nave made a motion to approve the applications for Benjamin Hone, Saddam Alkadro, and Sun Hammann and to issue licenses. It was seconded by Ms. Leonard. Motion carried.

### **ADJOURNMENT**

Ms. Leonard made a motion to adjourn the meeting at 12:06 pm MDT. It was seconded by Mr. Nave. Motion carried.

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Thomas E Grimsman, Chair

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K. Ryan Nave

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Mary E Leonard

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Tana Cory, Bureau Chief